

p. m.) declared the Senate adjourned until 10 o'clock a. m. Monday, January 18, 1943, in accordance with a motion previously agreed to by the Senate.

FOURTH DAY

(Monday, January 18, 1943)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Fain	Ramsey
Graves	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 14, 1943, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Beck was granted leave of absence for today on account of important business, on motion of Senator Ramsey.

Senator Cotten and Senator Kelley were granted leave of absence for today on account of important business, on motion of Senator Stone.

Senator Hazlewood was granted leave of absence for today on account of important business, on motion of Senator Moffett.

Senate Resolution 7

Senator Metcalfe offered the following resolution:

Whereas, Hon. E. M. Davis of Brownwood, who served as a Member of the Senate with much distinction

in the Forty-fourth and Forty-fifth Legislatures is now at the bar of the Senate; now, therefore be it

Resolved by the Senate of Texas, That Senator Davis be invited to address the Senate and extended the privileges of the floor for the day.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senators Aikin and Jones:

S. B. No. 37, A bill to be entitled "An Act providing for the equalization of educational opportunities in Texas; providing for eligibility requirements for schools applying for aid; providing for an application form and date of filing; prescribing limitations to instructional aid on resident pupils taught in the district; providing for transportation of children who live more than 2½ miles from the school attended; providing tuition aid on resident pupils whose grades are not taught in the home district and attending another school; prescribing the duties of the State Department of Education in the administration of the Act; providing for the transfer of an entire district by contract; providing for disbursements to the schools and the report on how funds were expended after being received by the schools; providing the penalty for failure to use according to law the funds granted; providing appropriations and allocations for the biennium ending August 31, 1945; providing for the repeal of all laws in conflict with the Act; and declaring an emergency."

To Committee on Finance.

By Senators Winfield and Mauritz:

S. B. No. 38, A bill to be entitled "An Act to accomplish the constitutional directive expressed in Article XVI, Section 16, by authorizing the incorporation of corporate bodies with banking and discounting privileges, and providing for a system of state supervision, regulation and control of banks and other financial institutions placed under the supervision of the Banking Department, to the end that all depositors and creditors of such bodies shall be adequately protected

and secured. To accomplish which general purpose Title 16 of the Revised Civil Statutes of Texas of 1925 is repealed, etc.; and declaring an emergency."

To Committee on Banking.

By Senator Stone:

S. B. No. 39, A bill to be entitled "An Act authorizing the Commissioners' Court of any county in this State having a population of not less than eighty thousand (80,000), and not more than one hundred thirty-two (132,000) according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile while on official business only; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatever to such county; providing the fund from which said disbursement shall be made; and declaring an emergency."

To Committee on Counties.

By Senator Mauritz:

S. B. No. 40, A bill to be entitled "An Act to prescribe venue of actions and suits for collection of delinquent ad valorem taxes on real and personal property."

To Committee on Civil Jurisprudence.

By Senator Moffett:

S. B. No. 41, A bill to be entitled "An Act authorizing the State Board of Education to adopt a multiple list of not fewer than three nor more than five textbooks for use in the last two grades in the public high schools in teaching pre-flight aeronautics, fundamentals of electricity, fundamentals of machines, fundamentals of shop work, fundamentals of radio, and fundamentals of automotive mechanics; providing to whom they may be furnished free and that no basal book shall be designated; and providing requirements governing such adoptions; and repealing Section 2, Chapter 210, Acts of the Regular Session, Forty-first Legislature, as heretofore amended; and declaring an emergency."

To Committee on Education.

By Senator Morris:

S. B. No. 42, A bill to be entitled "An Act further regulating the sale,

possession, and transportation of alcoholic beverages by adding Section 4 (c) to, and by amending Subsection (8) of Section 15, Section 23 (a), and Section 41, all of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, by H. B. Nos. 432 and 5, respectively, Acts of the Regular Session of the Forty-fifth Legislature, by S. B. No. 20, Acts of the First Called Session of the Forty-fifth Legislature, and by H. B. Nos. 8 and 373, Acts of the Regular Session of the Forty-seventh Legislature; providing causes for and proof of violations of law, restricting sales, transportation, and possession; providing penalties, providing savings clauses; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Moore:

S. B. No. 43, A bill to be entitled "An Act to authorize the State of Texas to institute suit to enjoin any person, firm or corporation, or their officers, agents or employees from receiving and collecting interest in excess of that authorized by law and from engaging in business of making loans whereon usurious interest is charged; regulating the procedure and providing for joinder of more than one defendant in the same action; providing a saving clause; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Weinert:

S. B. No. 44, A bill to be entitled "An Act the purpose of which is to change the method for handling delinquent children from the present criminal procedure to guardianship in order to secure for each child coming within the Act such care, guidance and control as will serve the child's welfare and the best interest of the State; providing for a juvenile court in each county of the State in the county or district courts already established; defining certain terms; providing for the procedure in cases of delinquent children; manner of hearing; dispositional power of juvenile court; selection of custodial agency; providing for support of children committed to custodial agency; prescribing that records shall

be confidential; permitting physical and mental examinations of children upon order of the court; prescribing places of detention; court session; cooperation; contempt; and methods of appeal; saving clause; repealing clause; and declaring an emergency and effective date to be sixty (60) days after enactment."

To Committee on Civil Jurisprudence.

By Senator Metcalfe:

S. B. No. 45, A bill to be entitled "An Act amending Articles 3244, 3284 and 3245 of Title 51, Chapter 3, of the Revised Civil Statutes of 1925 so as to change the method of filing application for admission to State Tuberculosis Sanatorium, and repealing Article 3247 of the Revised Civil Statutes of 1925; and declaring an emergency."

To Committee on State Departments and Institutions.

By Senator Lanning:

S. B. No. 46, A bill to be entitled "An Act amending Article 3193i, Title 51, Chapter 2 of the Revised Civil Statutes of 1925 so as to define the term 'additional leave' as used in said Article, allowing the Superintendents of State Hospitals to give additional leave to patients after a twelve month temporary absence; and declaring an emergency."

To Committee on State Departments and Institutions.

By Senator Lanning:

S. B. No. 47, A bill to be entitled "An Act amending Articles 608 and 613 of Title 20, Chapter 2 of the Revised Civil Statutes of 1925 so as to enable the Board of Control to invite bids on printing, binding, stationery, and supplies of like character estimated to cost less than One Hundred (\$100.00) Dollars without publishing the proposed letting, and prescribing the method by which the Board of Control notifies the successful bidder of the amount of the bond or certified check required; and declaring an emergency."

To Committee on Finance.

By Senator Lanning:

S. B. No. 48, A bill to be entitled "An Act providing for the immediate admission into the State Confederate Home at Austin, Texas, of all eligible

Confederate Veterans, and providing for the maintenance of all Confederate Veterans who are now in said Home or may be hereafter admitted; and providing that the State Board of Control may order transferred to and maintained therein any senile person now in or hereafter admitted to a State Hospital; and providing for the furlough or discharge of such patient, and further providing that such institution shall be a custodial institution only in so far as senile patients are concerned, etc.; and declaring an emergency."

To Committee on Finance.

House Bill 2 Signed

The President pro tempore signed H. B. No. 2 in the presence of the Senate after giving due notice that he would do so.

Senate Concurrent Resolution 3

Senator Moore offered the following resolution:

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, That Mae Lusk, her heirs, executors, administrators, grantees, and legal representatives (either one or more of them), be and are hereby granted permission to sue the State of Texas or the Texas Prison Board, or both, for the title and possession and for damages to, and for an accounting for any oil or gas produced from, any land in the John W. Hall League No. 10, Abstract No. 67, Brazoria County, Texas, in any court of competent jurisdiction in Travis County, Texas.

The resolution was read and was referred to the Committee on State Affairs.

Senate Concurrent Resolution 4

Senator Morris offered the following resolution:

S. C. R. No. 4, Authorizing the Department of Public Safety to license persons seventeen years or more of age as drivers of motor vehicles used as public or common carriers of persons.

Whereas, The present national emergency has created a serious manpower shortage and has thus made it practically impossible for operators of motor vehicles used as public or common carriers of persons to secure

sufficient drivers above the age of twenty-one; and

Whereas, This situation is seriously crippling the public transportation of the State of Texas; and

Whereas, The Department of Public Safety is doubtful of its authority to license persons under the age of twenty-one for the operation of such vehicles; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Department of Public Safety of the State of Texas be authorized to grant licenses to persons seventeen years or more of age for the operation of vehicles used as public or common carriers of persons.

The resolution was read and was referred to the Committee on Highways and Motor Traffic.

Senate Resolution 8

Senator Winfield offered the following resolution:

Whereas, Bob Johnson, who efficiently and courteously served as Assistant Journal Clerk in the Forty-seventh session of the Legislature of the State of Texas, is a lieutenant in the Air Force of the United States; and

Whereas, This gallant young man has followed the example of millions of other patriotic young men in offering his services to his government; and

Whereas, His ability has been recognized to the extent that he is a Lieutenant in the Air Force of this government; and

Whereas, He is now stationed at Del Valle Air Base; and

Whereas, In the natural course of events he may see active service on the battle fronts in the remote parts of the world; now, therefore, be it

Resolved by the Senate, That Bob Johnson be commended for his patriotic entry into the armed forces and that the well wishes of this body go with him wherever he may be sent; and, be it further

Resolved, That a copy of this resolution be furnished this young man.

WINFIELD,
AIKIN,
METCALFE.

The resolution was read, and, by unanimous consent, it was considered immediately.

The resolution was adopted.

Senate Concurrent Resolution 5

S. C. R. No. 5, Providing for adjournment of the Legislature sine die on March 15, 1943.

Senator Shivers offered the following resolution:

Be It Resolved by the Senate of Texas and the House of Representatives concurring, That the Regular Session of the Forty-eighth Legislature adjourn sine die at 12 o'clock noon on Monday, March 15, 1943.

SHIVERS,
MOORE,
BROWNLEE,
GRAVES,
WINFIELD,
SULAK.

The resolution was read.

Question—Shall the resolution be adopted?

Yeas and nays were demanded, and the resolution was adopted by the following vote:

Yeas—17

Aikin	Moffett
Brownlee	Moore
Fain	Ramsey
Graves	Shivers
Lane	Stone
Lanning	Sulak
Lemens	Weinert
Martin	Winfield
Mauritz	

Nays—8

Bullock	Metcalfe
Chadick	Morris
Jones	Vick
Lovelady	York

Absent—Excused

Beck	Hazlewood
Cotten	Kelley
Formby	Spears

Temporary Senate Rules

Senator Moore moved that the rules of the Forty-seventh Legislature be adopted as the temporary rules of the Forty-eighth Legislature until February 2, 1943.

The motion prevailed by the following vote:

Yeas—25

Aikin	Jones
Brownlee	Lane
Bullock	Lanning
Chadick	Lemens
Fain	Lovelady
Graves	Martin

Mauritz	Stone
Metcalfe	Sulak
Moffett	Vick
Moore	Weinert
Morris	Winfield
Ramsey	York
Shivers	

Absent—Excused

Beck	Hazlewood
Cotten	Kelley
Formby	Spears

Message From the House

A message, signed by Clarence Jones, Chief Clerk of the House of Representatives, and read by Mrs. Ida C. Banks, Assistant Reading Clerk of the House, informed the Senate that the House had passed the following bills and adopted the following resolution:

S. B. No. 2, "An Act requiring all officers and employees of the Senate, its agencies, instrumentalities, political subdivisions and municipalities, having control over the payment of any salaries or wages to public officers or employees, to comply with the provisions of the Federal Revenue Act of 1942, etc."

S. B. No. 29, "An Act fixing the length of the terms of the District Court concerning the 72nd Judicial District, etc., and declaring an emergency."

H. C. R. No. 10, Relative to broadcasting ceremonies to inaugurate Governor-elect and Lieutenant Governor-elect.

Presentation of 6-B Class of Bryker Woods School

The President pro tempore announced that the members of the 6-B class of Bryker Woods school of the City of Austin were present in the Senate gallery, and he welcomed the class and their teacher, Miss Martine Holbrook, as guests of the Senate.

House Concurrent Resolution 10

The President pro tempore laid before the Senate:

H. C. R. No. 10, Providing for broadcasting the ceremonies to inaugurate Governor-elect and Lieutenant Governor-elect.

On motion of Senator Brownlee, and by unanimous consent, the resolution was considered immediately, and was adopted.

Advance Printing of Senate Bill 43

On motion of Senator Moore, and, by unanimous consent, S. B. No. 43 was ordered printed in advance of its consideration in committee.

Advance Printing of Senate Bill 37

On motion of Senator Aikin, and by unanimous consent, S. B. No. 37 was ordered printed in advance of its consideration in committee.

Adjournment

On motion of Senator Lovelady, the Senate, at 11:05 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

FIFTH DAY

(Tuesday, January 19, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and, by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved

Leaves of Absence Granted

Senator Cotten was granted leave of absence for today on account of important business, on motion of Senator Fain.

Senator Lane was granted leave of absence for today on account of important business, on motion of Senator Lovelady.